

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

JOHN MILLER,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 3:17-cv-00121-MMD-WGC

ORDER

Plaintiff John Miller filed a motion for reconsideration (ECF No. 66) of this Court's order (ECF No. 64) granting Defendant the United States of America's motion to dismiss and dismissing his case for lack of jurisdiction. Plaintiff then appealed that same order. (ECF No. 69.)

The general rule is that an appeal divests the district court of jurisdiction over those aspects of the case involved in the appeal. *See Hovey v. McDonald*, 109 U.S. 150, 157 (1883); *see also Stein v. Wood*, 127 F.3d 1187, 1189 (9th Cir. 1997); *MacCaulay v. U.S. Foodservice, Inc.*, 152 F. Supp. 2d 1229, 1230 (D. Nev. 2001). While there are exceptions to this general rule, the Court finds that none of those exceptions apply here. Seeing no reason to deviate from the general rule, the Court will thus deny Plaintiff's motion for reconsideration as the Court lacks jurisdiction over it.

It is therefore ordered that Plaintiff's motion for reconsideration (ECF No. 66) is denied.

DATED THIS 11<sup>th</sup> day of February 2019.



MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE